

EXHIBIT D

From: Gheibi, Pardis (CIV) Pardis.Gheibi@usdoj.gov
Subject: RE: [EXTERNAL] NADOHE v. Trump (1:25-cv-333): PI Order
Date: March 13, 2025 at 11:35 AM
To: Ananda Burra aburra@democracyforward.org
Cc: Aleshadye Getachew agetachew@democracyforward.org, Farber, Molissa (USAMD) Molissa.Farber@usdoj.gov, Micco, Megan (USAMD) Megan.Micco@usdoj.gov, Audrey Wiggins awiggins@democracyforward.org, Brooke Menschel bmenschel@democracyforward.org, Niyati Shah nshah@advancingjustice-aajc.org, Noah Baron nbaron@advancingjustice-aajc.org

Counsel,

I hope you're well. As we previously explained, we already instructed the defendant agencies to fully comply with the Court's order. And after Judge Abelson's clarification order, we have taken appropriate steps to inform non-defendant entities of its scope. The below request—which asks for copies of these communications, and the specific individuals who received them—is neither necessary nor appropriate. If you are aware of particular, identifiable examples of actions that you believe were taken in violation of the Court's order, please let us know immediately, so that we can inquire.

Thank you.

Best,
Pardis

Pardis Gheibi
U.S. Department of Justice
Civil Division, Federal Programs Branch
O: (202) 305-3246

From: Ananda Burra <aburra@democracyforward.org>
Sent: Tuesday, March 11, 2025 8:53 PM
To: Gheibi, Pardis (CIV) <Pardis.Gheibi@usdoj.gov>
Cc: Aleshadye Getachew <agetachew@democracyforward.org>; Farber, Molissa (USAMD) <Molissa.Farber@usdoj.gov>; Micco, Megan (USAMD) <Megan.Micco@usdoj.gov>; Audrey Wiggins <awiggins@democracyforward.org>; Brooke Menschel <bmenschel@democracyforward.org>; Niyati Shah <nshah@advancingjustice-aajc.org>; Noah Baron <nbaron@advancingjustice-aajc.org>
Subject: Re: [EXTERNAL] NADOHE v. Trump (1:25-cv-333): PI Order

Hi Pardis,

I'm following up with you in light of yesterday's clarification order from Judge Abelson to check in on the Government's compliance with the Court's order.

On February 25, we asked if the Department of Justice intended to "issue a memo to all federal agencies directing compliance with the [Preliminary Injunction] Order [(ECF 45)] as it did in response to the temporary restraining order in New York et al. v. Trump, No. 25-cv-39-JJM-PAS (D.R.I.)." We asked because we learned of instances where it appears agencies had not been complying with Judge Abelson's February 21 order. You informed us that DOJ did not believe the Order (ECF 45) reached non-defendant agencies, but stated that you had "instructed the defendant agencies to fully comply with the Court's Order." You did not share the nature of that instruction.

Please forward the notice or instruction you provided agencies prior to February 25, including the date of such instruction, and the individuals who received the instructions. To our knowledge, no instruction/notice has been posted publicly and we

understand that grantees and contractors have not been made aware of the Government's obligation to comply with the Order.

Please also forward any and all instructions you have shared with agencies regarding yesterday's Clarified Preliminary Injunction (ECF 67). Again, please provide us with a list of individuals and entities to whom you sent those instructions/notifications. To the extent you have not alerted "federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions" about the Clarified Preliminary Injunction (ECF 67), we ask that you do so, and to please provide us with that notification, including who the recipients are.

Further, as we noted in late February, we had heard of escalating cancellations of grants and demands for certification, as well as threats of investigation. That continues. We previously brought certain specific conduct to your attention, including but not limited to:

1. USDA's cancellation of grants on the basis of references to "tree equity"
2. HUD's mass cancellation of grants based, apparently, on social media postings
3. The FCC's notice to Comcast threatening investigations
4. AmeriCorps's ultimatum to grantees: certify or give up your federal awards

Since then, it has come to our attention that the NIH, USDA, Department of Education, Department of Defense, State Department, AmeriCorps, EPA, and other agencies may have cancelled or terminated or frozen grants because they included "DEI" concepts, including in the day since Judge Abelson clarified the reach of his Order. We have similarly heard of multiple instances in which "environmental justice" grants and contracts have been cancelled, despite the existence of the Preliminary Injunction.

Please let us know by noon, Thursday, March 13, what steps DOJ has taken to ensure compliance with the Preliminary Injunction.

Thanks very much,
Ananda

On Tue, Feb 25, 2025 at 5:04 PM Gheibi, Pardis (CIV) <Pardis.Gheibi@usdoj.gov> wrote:

Counsel,

We have instructed the defendant agencies to fully comply with the Court's Order.

We do not intend to instruct non-defendant agencies to comply with the Order. The Court's Order was specifically limited to "Defendants other than the President, and other persons who are in active concert or participation with Defendants."

If you are, however, aware of any potential noncompliance by the defendant agencies, please bring that to our attention immediately.

Thank you.

Best,
Pardis

Pardis Gheibi
U.S. Department of Justice

Civil Division, Federal Programs Branch
O: (202) 305-3246

From: Aleshadye Getachew <agetachew@democracyforward.org>
Sent: Tuesday, February 25, 2025 8:01 AM
To: Gheibi, Pardis (CIV) <Pardis.Gheibi@usdoj.gov>; Farber, Molissa (USAMD) <Molissa.Farber@usdoj.gov>; Micco, Megan (USAMD) <Megan.Micco@usdoj.gov>
Cc: Ananda Burra <aburra@democracyforward.org>; Audrey Wiggins <awiggins@democracyforward.org>; Brooke Menschel <bmenschel@democracyforward.org>; Niyati Shah <nshah@advancingjustice-aajc.org>; Noah Baron <nbaron@advancingjustice-aajc.org>
Subject: [EXTERNAL] NADOHE v. Trump (1:25-cv-333): PI Order

Counsel:

In light of Judge Abelson's Preliminary Injunction Order issued on Friday, February 21, 2025, we are writing to inquire as to whether the Department intends to issue a memo to all federal agencies directing compliance with the Order as it did in response to the temporary restraining order in *New York et al. v. Trump*, No. 25-cv-39-JJM-PAS (D.R.I.). See [Notice of Court Order](#) (directing federal agencies to comply with the court's order).

We are making this inquiry, in part, because we are receiving reports that various federal agencies are continuing to require compliance with the enjoined Certification Requirement.

Please let us know if you plan to send a similar notice of the Court's February 21st Order to all federal agencies, and if so, your timing for issuing that notice. We would appreciate your response by close of business today.

Thank you,

Aleshadye

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she/her



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